

REMARKS

Claims 7-9, 26, 27, and 32-37 are pending in this application. Claims 6, 9, 32, 33, 35 and 36 are canceled herein without prejudice or disclaimer. Claim 34 is amended herein to clarify and more particularly define the invention. New claims 37 and 38 are added herein. Support for these amendments and new claims is found in the language of the original claims and throughout the specification, as set forth below. Thus, no new matter is added by these amendments and new claims and their entry and consideration are respectfully requested. In light of these amendments, new claims and the following remarks, applicants respectfully request reconsideration of this application and allowance of the claims to issue.

I. Rejection under 35 U.S.C. § 102

A. Claims 6, 9, and 32-36 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hudson et al. (*Virology* 147:99-109 (1985)).

Claims 6, 9, 32-33, and 35-36 are canceled herein without prejudice, thereby mooting this rejection as it pertains to these claims. Further, claim 34 as presented herein recites an isolated nucleic acid sequence encoding a peptide consisting of the amino acid sequence of SEQ ID NO:6. Hudson et al. does not teach or suggest an isolated nucleic acid sequence encoding a peptide consisting of the amino acid sequence of SEQ ID NO:6 and therefore Hudson et al. does not anticipate this claim. Accordingly, applicants submit that this rejection is overcome and respectfully request its withdrawal.

B. Claims 6, 9, and 32-36 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Baer et al. (*Nature* 310:207-211 (1984)).

Claims 6, 9, 32-33, and 35-36 are canceled herein without prejudice, thereby mooting this rejection as it pertains to these claims. Further, as discussed above, claim 34 as presented herein recites an isolated nucleic acid sequence encoding a peptide consisting of the amino acid sequence of SEQ ID NO:6. Baer et al. does not teach or suggest an isolated nucleic acid sequence encoding a peptide consisting of the amino acid sequence of SEQ ID NO:6 and therefore Baer et al. does not

anticipate this claim. Accordingly, applicants submit that this rejection is overcome and respectfully request its withdrawal.

II. New Claims

New claims 37 and 38 are added herein. Support for these claims can be found throughout the specification, for example, at least on page 9, first full paragraph; in the paragraph bridging pages 21-22; and in Figure 7. Thus, no new matter is believed to be added by these new claims. Further, these claims are believed to be free of the pending rejections for the same reasons set forth above explaining why claim 34 is free of the pending rejections and their entry and allowance are respectfully requested.

Having addressed all of the issues raised by the Examiner in the pending Office Action, applicants believe the claims as presented herein to be in condition for allowance, which action is respectfully requested. The Examiner is encouraged and invited to contact the undersigned directly if such contact will expedite the prosecution of the pending claims to issue.

The Commissioner is authorized to charge Deposit Account No. 50-0220 in the amount of \$180.00 as fee for a supplemental Information Disclosure Statement. This amount is believed to be correct. However, the Commissioner is authorized to charge any deficiency or credit any refund to Deposit Account No. 50-0220.

Respectfully submitted,

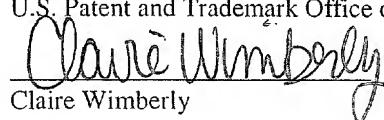

Mary L. Miller
Registration No. 39,303

Customer No. 20792

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 18, 2008.


Claire Wimberly